

## Remarks

The Examiner has rejected claims 38 and 40 as well as 43 through 44 under 35 USC 102(e) as being anticipated by DeKort '898. The Examiner has argued that the collecting waste disposal device as claimed was not a structural limitation rather an intended use and therefore has maintained the anticipation rejection of the previous Office Action.

In responding to this rejection, the Applicant has replaced independent claim 38 with new claim 56. New claim 56 recites a device for cutting and/or punching a substrate to produce a finished part and a waste portion. Claim 56 includes means, disposed at an end of the working gap, for splitting off and separating the finished part from the waste portion. These procedures are performed simultaneously and the finished part and the waste portion are transported by at least two separate transporting means. The processing function of the tool parts has been specified to be punching and/or die cutting and the first gripper means grasps each substrate at a front edge thereof. The Applicant submits that claim 56 is distinguished from the prior art due to DeKort for the following reasons.

The DeKort disclosure provides means for transporting the finished product in two different directions using one of the suction gripper systems disposed on each of the two processing rollers. However, DeKort is not structured to divide a waste portion of the substrate from a finished part. This is particularly the case, since the inventive punching process generates a remaining hole on the sheet-like substrate in which the vacuum gripping system of DeKort is likely to attempt to engage, thereby leading to failure of the gripping mechanism. Moreover, claim 56 specifies that the separation and transport processes occur simultaneously on both

the waste portion and the finished part. In contrast thereto, the DeKort grippers work in an alternating way and cannot work simultaneously.

The DeKort disclosure relates to the sealing and cutting of flow packs. The grippers are therefore located between the sealed portion of adjacent flow packs, extracted from the continuous web. For this reason, the DeKort grippers grasp the middle of the substrate. In contrast thereto, the first gripper of the instant invention grasps the substrate at the front edge thereof thereby permitting punching and/or die cutting out large portions of the substrate. DeKort is not concerned with punching or cutting out objects from a substrate and therefore provides no motivation for the limitations of claim 56.

The remaining claims of record have been amended for consistency with claim 56.

The Examiner is respectfully requested to enter this amendment since no new search is required and to adjoin the previously claims which belong to the non-elected portions of the invention, since claim 56 is generic and allowable. Passage to issuance of all claims of record is therefore respectfully requested.

No new matter has been added in this amendment.

Respectfully submitted,

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